



Sen. Bill Cunningham

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10200HB4412sam001

LRB102 22343 AMQ 42479 a

1 AMENDMENT TO HOUSE BILL 4412

2 AMENDMENT NO. _____. Amend House Bill 4412 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Officials and Employees Ethics Act
5 is amended by changing Section 20-5 as follows:

6 (5 ILCS 430/20-5)

7 Sec. 20-5. Executive Ethics Commission.

8 (a) The Executive Ethics Commission is created.

9 (b) The Executive Ethics Commission shall consist of 9
10 commissioners. The Governor shall appoint 5 commissioners, and
11 the Attorney General, Secretary of State, Comptroller, and
12 Treasurer shall each appoint one commissioner. Appointments
13 shall be made by and with the advice and consent of the Senate
14 by three-fifths of the elected members concurring by record
15 vote. Any nomination not acted upon by the Senate within 60
16 session days of the receipt thereof shall be deemed to have

1 received the advice and consent of the Senate. If, during a
2 recess of the Senate, there is a vacancy in an office of
3 commissioner, the appointing authority shall make a temporary
4 appointment until the next meeting of the Senate when the
5 appointing authority shall make a nomination to fill that
6 office. No person rejected for an office of commissioner
7 shall, except by the Senate's request, be nominated again for
8 that office at the same session of the Senate or be appointed
9 to that office during a recess of that Senate. No more than 5
10 commissioners may be of the same political party.

11 The terms of the initial commissioners shall commence upon
12 qualification. Four initial appointees of the Governor, as
13 designated by the Governor, shall serve terms running through
14 June 30, 2007. One initial appointee of the Governor, as
15 designated by the Governor, and the initial appointees of the
16 Attorney General, Secretary of State, Comptroller, and
17 Treasurer shall serve terms running through June 30, 2008. The
18 initial appointments shall be made within 60 days after the
19 effective date of this Act.

20 After the initial terms, commissioners shall serve for
21 4-year terms commencing on July 1 of the year of appointment
22 and running through June 30 of the fourth following year.
23 Commissioners may be reappointed to one or more subsequent
24 terms.

25 Vacancies occurring other than at the end of a term shall
26 be filled by the appointing authority only for the balance of

1 the term of the commissioner whose office is vacant.

2 Terms shall run regardless of whether the position is
3 filled.

4 (c) The appointing authorities shall appoint commissioners
5 who have experience holding governmental office or employment
6 and shall appoint commissioners from the general public. A
7 person is not eligible to serve as a commissioner if that
8 person (i) has been convicted of a felony or a crime of
9 dishonesty or moral turpitude, (ii) is, or was within the
10 preceding 12 months, engaged in activities that require
11 registration under the Lobbyist Registration Act, (iii) is
12 related to the appointing authority, or (iv) is a State
13 officer or employee.

14 (d) The Executive Ethics Commission shall have
15 jurisdiction over all officers and employees of State agencies
16 other than the General Assembly, the Senate, the House of
17 Representatives, the President and Minority Leader of the
18 Senate, the Speaker and Minority Leader of the House of
19 Representatives, the Senate Operations Commission, the
20 legislative support services agencies, and the Office of the
21 Auditor General. The Executive Ethics Commission shall have
22 jurisdiction over all board members and employees of Regional
23 Transit Boards. The jurisdiction of the Commission is limited
24 to matters arising under this Act, except as provided in
25 subsection (d-5).

26 A member or legislative branch State employee serving on

1 an executive branch board or commission remains subject to the
2 jurisdiction of the Legislative Ethics Commission and is not
3 subject to the jurisdiction of the Executive Ethics
4 Commission.

5 (d-5) The Executive Ethics Commission shall have
6 jurisdiction over all chief procurement officers and
7 procurement compliance monitors and their respective staffs.
8 The Executive Ethics Commission shall have jurisdiction over
9 any matters arising under the Illinois Procurement Code if the
10 Commission is given explicit authority in that Code.

11 (d-6) (1) The Executive Ethics Commission shall have
12 jurisdiction over the Illinois Power Agency and its staff. The
13 Director of the Agency shall be appointed by a majority of the
14 commissioners of the Executive Ethics Commission, subject to
15 Senate confirmation, for a term of 2 years for appointments
16 made before the effective date of this amendatory Act of the
17 102nd General Assembly and for a term of 4 years for
18 appointments made on or after the effective date of this
19 amendatory Act of the 102nd General Assembly. The Director is
20 removable for cause by a majority of the Commission upon a
21 finding of neglect, malfeasance, absence, or incompetence.

22 (2) In case of a vacancy in the office of Director of the
23 Illinois Power Agency during a recess of the Senate, the
24 Executive Ethics Commission may make a temporary appointment
25 until the next meeting of the Senate, at which time the
26 Executive Ethics Commission shall nominate some person to fill

1 the office, and any person so nominated who is confirmed by the
2 Senate shall hold office during the remainder of the term and
3 until his or her successor is appointed and qualified. Nothing
4 in this subsection shall prohibit the Executive Ethics
5 Commission from removing a temporary appointee or from
6 appointing a temporary appointee as the Director of the
7 Illinois Power Agency.

8 (3) Prior to June 1, 2012, the Executive Ethics Commission
9 may, until the Director of the Illinois Power Agency is
10 appointed and qualified or a temporary appointment is made
11 pursuant to paragraph (2) of this subsection, designate some
12 person as an acting Director to execute the powers and
13 discharge the duties vested by law in that Director. An acting
14 Director shall serve no later than 60 calendar days, or upon
15 the making of an appointment pursuant to paragraph (1) or (2)
16 of this subsection, whichever is earlier. Nothing in this
17 subsection shall prohibit the Executive Ethics Commission from
18 removing an acting Director or from appointing an acting
19 Director as the Director of the Illinois Power Agency.

20 (4) No person rejected by the Senate for the office of
21 Director of the Illinois Power Agency shall, except at the
22 Senate's request, be nominated again for that office at the
23 same session or be appointed to that office during a recess of
24 that Senate.

25 (d-7) The Executive Ethics Commission shall have
26 jurisdiction over complainants and respondents in violation of

1 subsection (d) of Section 20-90.

2 (e) The Executive Ethics Commission must meet, either in
3 person or by other technological means, at least monthly and
4 as often as necessary. At the first meeting of the Executive
5 Ethics Commission, the commissioners shall choose from their
6 number a chairperson and other officers that they deem
7 appropriate. The terms of officers shall be for 2 years
8 commencing July 1 and running through June 30 of the second
9 following year. Meetings shall be held at the call of the
10 chairperson or any 3 commissioners. Official action by the
11 Commission shall require the affirmative vote of 5
12 commissioners, and a quorum shall consist of 5 commissioners.
13 Commissioners shall receive compensation in an amount equal to
14 the compensation of members of the State Board of Elections
15 and may be reimbursed for their reasonable expenses actually
16 incurred in the performance of their duties.

17 (f) No commissioner or employee of the Executive Ethics
18 Commission may during his or her term of appointment or
19 employment:

20 (1) become a candidate for any elective office;

21 (2) hold any other elected or appointed public office
22 except for appointments on governmental advisory boards or
23 study commissions or as otherwise expressly authorized by
24 law;

25 (3) be actively involved in the affairs of any
26 political party or political organization; or

1 (4) advocate for the appointment of another person to
2 an appointed or elected office or position or actively
3 participate in any campaign for any elective office.

4 (g) An appointing authority may remove a commissioner only
5 for cause.

6 (h) The Executive Ethics Commission shall appoint an
7 Executive Director. The compensation of the Executive Director
8 shall be as determined by the Commission. The Executive
9 Director of the Executive Ethics Commission may employ and
10 determine the compensation of staff, as appropriations permit.

11 (i) The Executive Ethics Commission shall appoint, by a
12 majority of the members appointed to the Commission, chief
13 procurement officers and may appoint procurement compliance
14 monitors in accordance with the provisions of the Illinois
15 Procurement Code. The compensation of a chief procurement
16 officer and procurement compliance monitor shall be determined
17 by the Commission.

18 (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 8-9-19;
19 101-617, eff. 12-20-19.)

20 Section 10. The Civil Administrative Code of Illinois is
21 amended by changing Section 5-222 as follows:

22 (20 ILCS 5/5-222)

23 Sec. 5-222. Director of the Illinois Power Agency. The
24 Director of the Illinois Power Agency must have at least 10 ~~15~~

1 years of combined experience in the electric industry,
2 electricity policy, or electricity markets and must possess:
3 (i) general knowledge of the responsibilities of being a
4 director, (ii) managerial experience, and (iii) an advanced
5 degree in economics, risk management, law, business,
6 engineering, or a related field. The Director of Illinois
7 Power Agency must have experience with the renewable energy
8 industry and understanding of the programs established by
9 Public Act 102-662 intended to promote equity in the renewable
10 energy industry.

11 (Source: P.A. 95-481, eff. 8-28-07.)

12 Section 15. The Department of Commerce and Economic
13 Opportunity Law is amended by adding Section 1105 as follows:

14 (20 ILCS 605/1105 new)

15 Sec. 1105. Power price mitigation assistance. Subject to
16 Appropriation the Department shall transfer \$200,000,000 to an
17 eligible electric utility serving adversely impacted
18 residential and small commercial customers pursuant to Section
19 16-107.7 of the Public Utilities Act. This Section is repealed
20 December 31, 2024.

21 Section 20. The Energy Transition Act is amended by
22 changing Sections 5-5 and 5-40 as follows:

1 (20 ILCS 730/5-5)

2 (Section scheduled to be repealed on September 15, 2045)

3 Sec. 5-5. Definitions. As used in this Act:

4 "Apprentice" means a participant in an apprenticeship
5 program approved by and registered with the United States
6 Department of Labor's Bureau of Apprenticeship and Training.

7 "Apprenticeship program" means an apprenticeship and
8 training program approved by and registered with the United
9 States Department of Labor's Bureau of Apprenticeship and
10 Training.

11 "Black, indigenous, and people of color" or "BIPOC" means
12 people who are members of the groups described in
13 subparagraphs (a) through (e) of paragraph (A) of subsection
14 (1) of Section 2 of the Business Enterprise for Minorities,
15 Women, and Persons with Disabilities Act.

16 "Community-based organizations" means an organization
17 that: (1) provides employment, skill development, or related
18 services to members of the community; (2) includes community
19 colleges, nonprofits, and local governments; (3) utilizes at
20 least one training facility in the community or region it
21 serves ~~has at least one main operating office in the community~~
22 ~~or region it serves~~; and (4) demonstrates relationships with
23 local residents and other organizations serving the community.

24 "Department" means the Department of Commerce and Economic
25 Opportunity, unless the text solely specifies a particular
26 Department.

1 "Director" means the Director of Commerce and Economic
2 Opportunity.

3 "Equity eligible contractor" or "eligible contractor"
4 means:

5 (1) a business that is majority-owned by equity
6 investment eligible individuals or persons who are or have
7 been participants in the Clean Jobs Workforce Network
8 Program, Clean Energy Contractor Incubator Program,
9 Returning Residents Clean Jobs Training Program, Illinois
10 Climate Works Preapprenticeship Program, or Clean Energy
11 Primes Contractor Accelerator Program;

12 (2) a nonprofit or cooperative that is
13 majority-governed by equity investment eligible
14 individuals or persons who are or have been participants
15 in the Clean Jobs Workforce Network Program, Clean Energy
16 Contractor Incubator Program, Returning Residents Clean
17 Jobs Training Program, Illinois Climate Works
18 Preapprenticeship Program, or Clean Energy Primes
19 Contractor Accelerator Program; or

20 (3) an equity investment eligible person or an
21 individual who is or has been a participant in the Clean
22 Jobs Workforce Network Program, Clean Energy Contractor
23 Incubator Program, Returning Residents Clean Jobs Training
24 Program, Illinois Climate Works Preapprenticeship Program,
25 or Clean Energy Primes Contractor Accelerator Program and
26 who is offering personal services as an independent

1 contractor.

2 "Equity focused populations" means: (i) low-income
3 persons; (ii) persons residing in equity investment eligible
4 communities; (iii) persons who identify as black, indigenous,
5 and people of color; (iv) formerly convicted persons; (v)
6 persons who are or were in the child welfare system; (vi)
7 energy workers; (vii) dependents of displaced energy workers;
8 (viii) women; (ix) LGBTQ+, transgender, or gender
9 nonconforming persons; (x) persons with disabilities; and (xi)
10 members of any of these groups who are also youth.

11 "Equity investment eligible community" and "eligible
12 community" are synonymous and mean the geographic areas
13 throughout Illinois which would most benefit from equitable
14 investments by the State designed to combat discrimination and
15 foster sustainable economic growth. Specifically, the eligible
16 community means the following areas:

17 (1) R3 Areas as established pursuant to Section 10-40
18 of the Cannabis Regulation and Tax Act, where residents
19 have historically been excluded from economic
20 opportunities, including opportunities in the energy
21 sector; and

22 (2) Environmental justice communities, as defined by
23 the Illinois Power Agency pursuant to the Illinois Power
24 Agency Act, but excluding racial and ethnic indicators,
25 where residents have historically been subject to
26 disproportionate burdens of pollution, including pollution

1 from the energy sector.

2 "Equity investment eligible person" and "eligible person"
3 are synonymous and mean the persons who would most benefit
4 from equitable investments by the State designed to combat
5 discrimination and foster sustainable economic growth.
6 Specifically, eligible persons means the following people:

7 (1) persons whose primary residence is in an equity
8 investment eligible community;

9 (2) persons who are graduates of or currently enrolled
10 in the foster care system; or

11 (3) persons who were formerly incarcerated.

12 "Climate Works Hub" means a nonprofit organization
13 selected by the Department to act as a workforce intermediary
14 and to participate in the Illinois Climate Works
15 Preapprenticeship Program. To qualify as a Climate Works Hub,
16 the organization must demonstrate the following:

17 (1) the ability to effectively serve diverse and
18 underrepresented populations, including by providing
19 employment services to such populations;

20 (2) experience with the construction and building
21 trades;

22 (3) the ability to recruit, prescreen, and provide
23 preapprenticeship training to prepare workers for
24 employment in the construction and building trades; and

25 (4) a plan to provide the following:

26 (A) preparatory classes;

1 (B) workplace readiness skills, such as resume
2 preparation and interviewing techniques;

3 (C) strategies for overcoming barriers to entry
4 and completion of an apprenticeship program; and

5 (D) any prerequisites for acceptance into an
6 apprenticeship program.

7 (Source: P.A. 102-662, eff. 9-15-21.)

8 (20 ILCS 730/5-40)

9 (Section scheduled to be repealed on September 15, 2045)

10 Sec. 5-40. Illinois Climate Works Preapprenticeship
11 Program.

12 (a) Subject to appropriation, the Department shall
13 develop, and through Regional Administrators administer, the
14 Illinois Climate Works Preapprenticeship Program. The goal of
15 the Illinois Climate Works Preapprenticeship Program is to
16 create a network of hubs throughout the State that will
17 recruit, prescreen, and provide preapprenticeship skills
18 training, for which participants may attend free of charge and
19 receive a stipend, to create a qualified, diverse pipeline of
20 workers who are prepared for careers in the construction and
21 building trades and clean energy jobs opportunities therein.
22 Upon completion of the Illinois Climate Works
23 Preapprenticeship Program, the candidates will be connected to
24 and prepared to successfully complete an apprenticeship
25 program.

1 (b) Each Climate Works Hub that receives funding from the
2 Energy Transition Assistance Fund shall provide an annual
3 report to the Illinois Works Review Panel by April 1 of each
4 calendar year. The annual report shall include the following
5 information:

6 (1) a description of the Climate Works Hub's
7 recruitment, screening, and training efforts, including a
8 description of training related to construction and
9 building trades opportunities in clean energy jobs;

10 (2) the number of individuals who apply to,
11 participate in, and complete the Climate Works Hub's
12 program, broken down by race, gender, age, and veteran
13 status;

14 (3) the number of the individuals referenced in
15 paragraph (2) of this subsection who are initially
16 accepted and placed into apprenticeship programs in the
17 construction and building trades; and

18 (4) the number of individuals referenced in paragraph
19 (2) of this subsection who remain in apprenticeship
20 programs in the construction and building trades or have
21 become journeymen one calendar year after their placement,
22 as referenced in paragraph (3) of this subsection.

23 (c) Subject to appropriation, the Department shall provide
24 funding to 3 Climate Works Hubs throughout the State,
25 including one to the Illinois Department of Transportation
26 Region 1, one to the Illinois Department of Transportation

1 Regions 2 and 3, and one to the Illinois Department of
2 Transportation Regions 4 and 5. An eligible organization may
3 serve as the designated Climate Works Hub for all 5 regions.

4 Climate Works Hubs shall be awarded grants in multi-year
5 increments not to exceed 36 months. Each grant shall come with
6 a one year initial term, with the Department renewing each
7 year for 2 additional years unless the grantee either declines
8 to continue or fails to meet reasonable performance measures
9 that consider apprenticeship programs timeframes. The
10 Department shall initially select a community-based provider
11 in each region and shall subsequently select a community-based
12 provider in each region every 3 years. The Department may take
13 into account experience and performance as a previous grantee
14 of the Climate Works Hub as part of the selection criteria for
15 subsequent years.

16 (d) Each Climate Works Hub that receives funding from the
17 Energy Transition Assistance Fund shall:

18 (1) recruit, prescreen, and provide preapprenticeship
19 training to equity investment eligible persons;

20 (2) provide training information related to
21 opportunities and certifications relevant to clean energy
22 jobs in the construction and building trades; and

23 (3) provide preapprentices with stipends they receive
24 that may vary depending on the occupation the individual
25 is training for.

26 (d-5) Priority shall be given to Climate Works Hubs that

1 have an agreement with North American Building Trades Unions
2 (NABTU) to utilize the Multi-Craft Core Curriculum or
3 successor curriculums.

4 (e) Funding for the Program is subject to appropriation
5 from the Energy Transition Assistance Fund.

6 (f) The Department shall adopt any rules deemed necessary
7 to implement this Section.

8 (Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22.)

9 Section 25. The Illinois Power Agency Act is amended by
10 changing Section 1-70 as follows:

11 (20 ILCS 3855/1-70)

12 Sec. 1-70. Agency officials.

13 (a) The Agency shall have a Director who meets the
14 qualifications specified in Section 5-222 of the Civil
15 Administrative Code of Illinois.

16 (b) Within the Illinois Power Agency, the Agency shall
17 establish a Planning and Procurement Bureau and may establish
18 a Resource Development Bureau. Each Bureau shall report to the
19 Director.

20 (c) The Chief of the Planning and Procurement Bureau shall
21 be appointed by the Director, at the Director's sole
22 discretion, and (i) shall have at least 5 years of direct
23 experience in electricity supply planning and procurement and
24 (ii) shall also hold an advanced degree in risk management,

1 law, business, or a related field.

2 (d) The Chief of the Resource Development Bureau may be
3 appointed by the Director and (i) shall have at least 5 years
4 of direct experience in electric generating project
5 development and (ii) shall also hold an advanced degree in
6 economics, engineering, law, business, or a related field.

7 (e) For terms beginning on or after the effective date of
8 this amendatory Act of the 102nd General Assembly ending
9 ~~before December 31, 2019~~, the Director shall receive an annual
10 salary in an amount equal to the annual salary provided to the
11 Director of the Environmental Protection Agency under Section
12 4 of the Environmental Protection Act ~~of \$100,000~~ or as set by
13 the Executive Ethics Commission based on a review of
14 comparable State agency director salaries, whichever is
15 higher. No annual salary for the Director or a Bureau Chief
16 shall exceed the amount of salary set by law for the Governor
17 that is in effect on July 1 of that fiscal year.

18 (f) The Director and Bureau Chiefs shall not, for 2 years
19 prior to employment ~~appointment or for 2 years after he or she~~
20 ~~leaves his or her position~~, be employed as a full time employee
21 of ~~by~~ an electric utility, independent power producer, power
22 marketer, or alternative retail electric supplier regulated by
23 the Commission or the Federal Energy Regulatory Commission.
24 The Director and Bureau Chiefs shall not, for 2 years after he
25 or she leaves his or her position, be employed by an electric
26 utility, independent power producer, power marketer, or

1 alternative retail electric supplier regulated by the
2 Commission or the Federal Energy Regulatory Commission.

3 (g) The Director and Bureau Chiefs are prohibited from:
4 (i) owning, directly or indirectly, 5% or more of the voting
5 capital stock of an electric utility, independent power
6 producer, power marketer, or alternative retail electric
7 supplier; (ii) being in any chain of successive ownership of
8 5% or more of the voting capital stock of any electric utility,
9 independent power producer, power marketer, or alternative
10 retail electric supplier; (iii) receiving any form of
11 compensation, fee, payment, or other consideration from an
12 electric utility, independent power producer, power marketer,
13 or alternative retail electric supplier, including legal fees,
14 consulting fees, bonuses, or other sums. These limitations do
15 not apply to any compensation received pursuant to a defined
16 benefit plan or other form of deferred compensation, provided
17 that the individual has otherwise severed all ties to the
18 utility, power producer, power marketer, or alternative retail
19 electric supplier.

20 (Source: P.A. 102-662, eff. 9-15-21.)

21 Section 30. The Counties Code is amended by changing
22 Section 5-12020 as follows:

23 (55 ILCS 5/5-12020)

24 Sec. 5-12020. Commercial ~~Wind farms, electric generating~~

1 ~~wind devices, and commercial~~ wind energy facilities and
2 commercial solar energy facilities.

3 (a) As used in this Section:

4 "Commercial solar energy facility" means a "commercial
5 solar energy system" as defined in Section 10-720 of the
6 Property Tax Code. "Commercial solar energy facility" does not
7 mean a utility-scale solar energy facility being constructed
8 at a site that was eligible to participate in a procurement
9 event conducted by the Illinois Power Agency pursuant to
10 subsection (c-5) of Section 1-75 of the Illinois Power Agency
11 Act.

12 "Commercial wind energy facility" means a wind energy
13 conversion facility of equal or greater than 500 kilowatts in
14 total nameplate generating capacity. "Commercial wind energy
15 facility" includes a wind energy conversion facility seeking
16 an extension of a permit to construct granted by a county or
17 municipality before the effective date of this amendatory Act
18 of the 102nd General Assembly.

19 "Facility owner" means (i) a person with a direct
20 ownership interest in a commercial wind energy facility or a
21 commercial solar energy facility, or both, regardless of
22 whether the person is involved in acquiring the necessary
23 rights, permits, and approvals or otherwise planning for the
24 construction and operation of the facility, and (ii) at the
25 time the facility is being developed, a person who is acting as
26 a developer of the facility by acquiring the necessary rights,

1 permits, and approvals or by planning for the construction and
2 operation of the facility, regardless of whether the person
3 will own or operate the facility.

4 "Nonparticipating property" means real property that is
5 not a participating property.

6 "Nonparticipating residence" means a residence that is
7 located on nonparticipating property and that is existing and
8 occupied on the date that an application for a permit to
9 develop the commercial wind energy facility or the commercial
10 solar energy facility is filed with the county.

11 "Occupied community building" means any one or more of the
12 following buildings that is existing and occupied on the date
13 that the application for a permit to develop the commercial
14 wind energy facility or the commercial solar energy facility
15 is filed with the county: a school, place of worship, day care
16 facility, public library, or community center.

17 "Participating property" means real property that is the
18 subject of a written agreement between a facility owner and
19 the owner of the real property that provides the facility
20 owner an easement, option, lease, or license to use the real
21 property for the purpose of constructing a commercial wind
22 energy facility, a commercial solar energy facility, or
23 supporting facilities. "Participating property" also includes
24 real property that is owned by a facility owner for the purpose
25 of constructing a commercial wind energy facility, a
26 commercial solar energy facility, or supporting facilities.

1 "Participating residence" means a residence that is
2 located on participating property and that is existing and
3 occupied on the date that an application for a permit to
4 develop the commercial wind energy facility or the commercial
5 solar energy facility is filed with the county.

6 "Protected lands" means real property that is:

7 (1) subject to a permanent conservation right
8 consistent with the Real Property Conservation Rights Act;

9 or

10 (2) registered or designated as a nature preserve,
11 buffer, or land and water reserve under the Illinois
12 Natural Areas Preservation Act.

13 "Supporting facilities" means the transmission lines,
14 substations, access roads, meteorological towers, storage
15 containers, and equipment associated with the generation and
16 storage of electricity by the commercial wind energy facility
17 or commercial solar energy facility.

18 "Wind tower" includes the wind turbine tower, nacelle, and
19 blades.

20 (b) Notwithstanding any other provision of law or whether
21 the county has formed a zoning commission and adopted formal
22 zoning under Section 5-12007, a county may establish standards
23 for commercial wind energy facilities, commercial solar energy
24 facilities, or both ~~wind farms and electric generating wind~~
25 ~~devices~~. The standards may include all of the requirements
26 specified in this Section but may not include requirements for

1 commercial wind energy facilities or commercial solar energy
2 facilities that are more restrictive than specified in this
3 Section, without limitation, the height of the devices and the
4 number of devices that may be located within a geographic
5 area. A county may also regulate the siting of commercial wind
6 energy facilities with standards that are not more restrictive
7 than the requirements specified in this Section ~~wind farms and~~
8 ~~electric generating wind devices~~ in unincorporated areas of
9 the county that are outside ~~of~~ the zoning jurisdiction of a
10 municipality and that are outside the 1.5-mile radius
11 surrounding the zoning jurisdiction of a municipality.

12 (c) If a county has elected to establish standards under
13 subsection (b), before the county grants siting approval or a
14 special use permit for a commercial wind energy facility or a
15 commercial solar energy facility, or modification of an
16 approved siting or special use permit, the county board of the
17 county in which the facility is to be sited or the zoning board
18 of appeals for the county shall hold ~~There shall be~~ at least
19 one public hearing. The public hearing shall be conducted in
20 accordance with the Open Meetings Act and shall be held not
21 more than 45 days after the filing of the application for the
22 facility. The county shall allow interested parties to a
23 special use permit an opportunity to present evidence and to
24 cross-examine witnesses at the hearing, but the county may
25 impose reasonable restrictions on the public hearing,
26 including reasonable time limitations on the presentation of

1 evidence and the cross-examination of witnesses. The county
2 shall also allow public comment at the public hearing in
3 accordance with the Open Meetings Act. The county shall make
4 its siting and permitting decisions not more than 30 days
5 after the conclusion of the public hearing ~~prior to a siting~~
6 ~~decision by the county board.~~ Notice of the hearing shall be
7 published in a newspaper of general circulation in the county.
8 A ~~commercial wind energy~~ facility owner, ~~as defined in the~~
9 ~~Renewable Energy Facilities Agricultural Impact Mitigation~~
10 ~~Act,~~ must enter into an agricultural impact mitigation
11 agreement with the Department of Agriculture prior to the date
12 of the required public hearing. A commercial wind energy
13 facility owner seeking an extension of a permit granted by a
14 county prior to July 24, 2015 (the effective date of Public Act
15 99-132) must enter into an agricultural impact mitigation
16 agreement with the Department of Agriculture prior to a
17 decision by the county to grant the permit extension. Counties
18 may allow test wind towers or test solar energy systems to be
19 sited without formal approval by the county board. ~~Any~~
20 ~~provision of a county zoning ordinance pertaining to wind~~
21 ~~farms that is in effect before August 16, 2007 (the effective~~
22 ~~date of Public Act 95-203) may continue in effect~~
23 ~~notwithstanding any requirements of this Section.~~

24 (d) A county with an existing zoning ordinance in conflict
25 with this Section shall amend that zoning ordinance to be in
26 compliance with this Section within 120 days after the

1 effective date of this amendatory Act of the 102nd General
 2 Assembly.

3 (e) A county may ~~not~~ require:

4 (1) a wind tower of a commercial wind energy facility
 5 to be sited as follows, with setback distances measured
 6 from the center of the base of the wind tower: ~~or other~~
 7 ~~renewable energy system that is used exclusively by an end~~
 8 ~~user to be setback more than 1.1 times the height of the~~
 9 ~~renewable energy system from the end user's property line.~~

10 Setback Description

Setback Distance

11 Occupied Community

2.1 times the maximum blade tip

12 Buildings

height of the wind tower to the

13 nearest point on the outside

14 wall of the structure

15 Participating Residences

1.1 times the maximum blade tip

16 height of the wind tower to the

17 nearest point on the outside

18 wall of the structure

19 Nonparticipating Residences

2.1 times the maximum blade tip

20 height of the wind tower to the

21 nearest point on the outside

22 wall of the structure

1	<u>Boundary Lines of</u>	<u>None</u>
2	<u>Participating Property</u>	
3	<u>Boundary Lines of</u>	<u>1.1 times the maximum blade tip</u>
4	<u>Nonparticipating Property</u>	<u>height of the wind tower to the</u>
5		<u>nearest point on the property</u>
6		<u>line of the nonparticipating</u>
7		<u>property</u>
8	<u>Public Road Rights-of-Way</u>	<u>1.1 times the maximum blade tip</u>
9		<u>height of the wind tower</u>
10		<u>to the center point of the</u>
11		<u>public road right-of-way</u>
12	<u>Overhead Communication and</u>	<u>1.1 times the maximum blade tip</u>
13	<u>Electric Transmission</u>	<u>height of the wind tower to the</u>
14	<u>and Distribution Facilities</u>	<u>nearest edge of the property</u>
15	<u>(Not Including Overhead</u>	<u>line, easement, or right of</u>
16	<u>way</u>	
17	<u>Utility Service Lines to</u>	<u>containing the overhead line</u>
18	<u>Individual Houses or</u>	
19	<u>Outbuildings)</u>	
20	<u>Overhead Utility Service</u>	<u>None</u>
21	<u>Lines to Individual</u>	

1 Houses or Outbuildings

2 Fish and Wildlife Areas 2.1 times the maximum blade
 3 and Illinois Nature tip height of the wind tower
 4 Preserve Commission to the nearest point on the
 5 Protected Lands property line of the fish and
 6 wildlife area or protected
 7 land

8 This Section does not exempt or excuse compliance with
 9 electric facility clearances approved or required by the
 10 National Electrical Code, The National Electrical Safety
 11 Code, Illinois Commerce Commission, Federal Energy
 12 Regulatory Commission, and their designees or successors.

13 (2) a wind tower of a commercial wind energy facility
 14 to be sited so that industry standard computer modeling
 15 indicates that any occupied community building or
 16 nonparticipating residence will not experience more than
 17 30 hours per year of shadow flicker under planned
 18 operating conditions;

19 (3) a commercial solar energy facility to be sited as
 20 follows, with setback distances measured from the nearest
 21 edge of any component of the facility:

22 Setback Description Setback Distance

1	<u>Occupied Community</u>	<u>150 feet from the nearest</u>
2	<u>Buildings and Dwellings on</u>	<u>point on the outside wall</u>
3	<u>Nonparticipating Properties</u>	<u>of the structure</u>
4	<u>Boundary Lines of</u>	<u>None</u>
5	<u>Participating Property</u>	
6	<u>Public Road Rights-of-Way</u>	<u>50 feet from the nearest</u>
7		<u>edge</u>
8	<u>Boundary Lines of</u>	<u>50 feet to the nearest</u>
9	<u>Nonparticipating Property</u>	<u>point on the property</u>
10		<u>line of the nonparticipating</u>
11		<u>property</u>

12 (4) a commercial solar energy facility to be sited so
13 that the facility's perimeter is enclosed by fencing
14 having a height of at least 6 feet and no more than 25
15 feet; and

16 (5) a commercial solar energy facility to be sited so
17 that no component of a solar panel has a height of more
18 than 20 feet above ground when the solar energy facility's
19 arrays are at full tilt.

20 The requirements set forth in this subsection (e) may be
21 waived subject to the written consent of the owner of each
22 affected nonparticipating property.

1 (f) A county may not set a sound limitation for wind towers
2 in commercial wind energy facilities or any components in
3 commercial solar energy facility that is more restrictive than
4 the sound limitations established by the Illinois Pollution
5 Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

6 (g) A county may not place any restriction on the
7 installation or use of a commercial wind energy facility or a
8 commercial solar energy facility unless it adopts an ordinance
9 that complies with this Section. A county may not establish
10 siting standards for supporting facilities that preclude
11 development of commercial wind energy facilities or commercial
12 solar energy facilities.

13 A request for siting approval or a special use permit for a
14 commercial wind energy facility or a commercial solar energy
15 facility, or modification of an approved siting or special use
16 permit, shall be approved if the request is in compliance with
17 the standards and conditions imposed in this Act, the zoning
18 ordinance adopted consistent with this Code, and the
19 conditions imposed under State and federal statutes and
20 regulations.

21 (h) A county may not adopt zoning regulations that
22 disallow, permanently or temporarily, commercial wind energy
23 facilities or commercial solar energy facilities from being
24 developed or operated in any district zoned to allow
25 agricultural or industrial uses.

26 (i) A county may not require permit application fees for a

1 commercial wind energy facility or commercial solar energy
2 facility that are unreasonable. All application fees imposed
3 by the county shall be consistent with fees for projects in the
4 county with similar capital value and cost.

5 (j) Except as otherwise provided in this Section, a county
6 shall not require standards for construction, decommissioning,
7 or deconstruction of a commercial wind energy facility or
8 commercial solar energy facility or related financial
9 assurances that are more restrictive than those included in
10 the Department of Agriculture's standard wind farm
11 agricultural impact mitigation agreement, template 81818, or
12 standard solar agricultural impact mitigation agreement,
13 version 8.19.19, as applicable and in effect on December 31,
14 2022. The amount of any decommissioning payment shall be
15 limited to the cost identified in the decommissioning or
16 deconstruction plan, as required by those agricultural impact
17 mitigation agreements, minus the salvage value of the project.

18 (k) A county may not condition approval of a commercial
19 wind energy facility or commercial solar energy facility on a
20 property value guarantee and may not require a facility owner
21 to pay into a neighboring property devaluation escrow account.

22 (l) A county may require certain vegetative screening
23 surrounding a commercial wind energy facility or commercial
24 solar energy facility but may not require earthen berms or
25 similar structures.

26 (m) A county may set blade tip height limitations for wind

1 towers in commercial wind energy facilities but may not set a
2 blade tip height limitation that is more restrictive than the
3 height allowed under a Determination of No Hazard to Air
4 Navigation by the Federal Aviation Administration under 14 CFR
5 Part 77.

6 (n) A county may require that a commercial wind energy
7 facility owner or commercial solar energy facility owner
8 provide:

9 (1) the results and recommendations from consultation
10 with the Illinois Department of Natural Resources that are
11 obtained through the Ecological Compliance Assessment Tool
12 (EcoCAT) or a comparable successor tool; and

13 (2) the results of the United States Fish and Wildlife
14 Service's Information for Planning and Consulting
15 environmental review or a comparable successor tool that
16 is consistent with (i) the "U.S. Fish and Wildlife
17 Service's Land-Based Wind Energy Guidelines" and (ii) any
18 applicable United States Fish and Wildlife Service solar
19 wildlife guidelines that have been subject to public
20 review.

21 ~~Only a county may establish standards for wind farms,~~
22 ~~electric generating wind devices, and commercial wind energy~~
23 ~~facilities, as that term is defined in Section 10 of the~~
24 ~~Renewable Energy Facilities Agricultural Impact Mitigation~~
25 ~~Act, in unincorporated areas of the county outside of the~~
26 ~~zoning jurisdiction of a municipality and outside the 1.5 mile~~

1 ~~radius surrounding the zoning jurisdiction of a municipality.~~

2 (o) A county may require a commercial wind energy facility
3 or commercial solar energy facility to adhere to the
4 recommendations provided by the Illinois Department of Natural
5 Resources in an EcoCAT natural resource review report under 17
6 Ill. Admin. Code Part 1075.

7 (p) A county may require a facility owner to:

8 (1) demonstrate avoidance of protected lands as
9 identified by the Illinois Department of Natural Resources
10 and the Illinois Nature Preserve Commission; or

11 (2) consider the recommendations of the Illinois
12 Department of Natural Resources for setbacks from
13 protected lands, including areas identified by the
14 Illinois Nature Preserve Commission.

15 (q) A county may require that a facility owner provide
16 evidence of consultation with the Illinois State Historic
17 Preservation Office to assess potential impacts on
18 State-registered historic sites under the Illinois State
19 Agency Historic Resources Preservation Act.

20 (r) To maximize community benefits, including, but not
21 limited to, reduced stormwater runoff, flooding, and erosion
22 at the ground mounted solar energy system, improved soil
23 health, and increased foraging habitat for game birds,
24 songbirds, and pollinators, a county may (1) require a
25 commercial solar energy facility owner to plant, establish,
26 and maintain for the life of the facility vegetative ground

1 cover, consistent with the goals of the Pollinator-Friendly
2 Solar Site Act and (2) require the submittal of a vegetation
3 management plan in the application to construct and operate a
4 commercial solar energy facility in the county.

5 No later than 90 days after the effective date of this
6 amendatory Act of the 102nd General Assembly, the Illinois
7 Department of Natural Resources shall develop guidelines for
8 vegetation management plans that may be required under this
9 subsection for commercial solar energy facilities. The
10 guidelines must include guidance for short-term and long-term
11 property management practices that provide and maintain native
12 and non-invasive naturalized perennial vegetation to protect
13 the health and well-being of pollinators.

14 (s) If a facility owner enters into a road use agreement
15 with the Illinois Department of Transportation, a road
16 district, or other unit of local government relating to a
17 commercial wind energy facility or a commercial solar energy
18 facility, the road use agreement shall require the facility
19 owner to be responsible for (i) the reasonable cost of
20 improving roads used by the facility owner to construct the
21 commercial wind energy facility or the commercial solar energy
22 facility and (ii) the reasonable cost of repairing roads used
23 by the facility owner during construction of the commercial
24 wind energy facility or the commercial solar energy facility
25 so that those roads are in a condition that is safe for the
26 driving public after the completion of the facility's

1 construction. Roadways improved in preparation for and during
2 the construction of the commercial wind energy facility or
3 commercial solar energy facility shall be repaired and
4 restored to the improved condition at the reasonable cost of
5 the developer if the roadways have degraded or were damaged as
6 a result of construction-related activities.

7 The road use agreement shall not require the facility
8 owner to pay costs, fees, or charges for road work that is not
9 specifically and uniquely attributable to the construction of
10 the commercial wind energy facility or the commercial solar
11 energy facility. Road-related fees, permit fees, or other
12 charges imposed by the Illinois Department of Transportation,
13 a road district, or other unit of local government under a road
14 use agreement with the facility owner shall be reasonably
15 related to the cost of administration of the road use
16 agreement.

17 (t) Notwithstanding any other provision of law, a facility
18 owner with siting approval from a county to construct a
19 commercial wind energy facility or a commercial solar energy
20 facility is authorized to cross or impact a drainage system,
21 including, but not limited to, drainage tiles, open drainage
22 districts, culverts, and water gathering vaults, owned or
23 under the control of a drainage district under the Illinois
24 Drainage Code without obtaining prior agreement or approval
25 from the drainage district, except that the facility owner
26 shall repair or pay for the repair of all damage to the

1 drainage system caused by the construction of the commercial
2 wind energy facility or the commercial solar energy facility
3 within a reasonable time after construction of the commercial
4 wind energy facility or the commercial solar energy facility
5 is complete.

6 (u) The amendments to this Section adopted in this
7 amendatory Act of the 102nd General Assembly do not apply to
8 (1) an application for siting approval or for a special use
9 permit for a commercial wind energy facility or commercial
10 solar energy facility if the application was submitted to a
11 unit of local government before the effective date of this
12 amendatory Act of the 102nd General Assembly or (2) a
13 commercial wind energy facility or a commercial solar energy
14 facility if the facility owner has submitted an agricultural
15 impact mitigation agreement to the Department of Agriculture
16 before the effective date of this amendatory Act of the 102nd
17 General Assembly.

18 (Source: P.A. 100-598, eff. 6-29-18; 101-4, eff. 4-19-19.)

19 Section 35. The Public Utilities Act is amended by
20 changing Section 8-402.2 as follows:

21 (220 ILCS 5/8-402.2)

22 Sec. 8-402.2. Public Schools Carbon-Free Assessment
23 programs.

24 (a) Within one year after the effective date of this

1 amendatory Act of the 102nd General Assembly, each electric
2 utility serving over 500,000 retail customers in this State
3 shall implement a Public Schools Carbon-Free Assessment
4 program.

5 (b) Each utility's Public Schools Carbon-Free Assessment
6 program shall include the following requirements:

7 (1) Each plan shall be designed to offer within the
8 utility's service territory to assist public schools, as
9 defined by Section 1-3 of the School Code, to increase the
10 efficiency of their energy usage, to reduce the carbon
11 emissions associated with their energy usage, and to move
12 toward a goal of public schools being carbon-free in their
13 energy usage by 2030. The program shall include a target
14 of completing Public Schools Carbon-Free Assessment for
15 all public schools in the utility's service territory by
16 December 31, 2029.

17 (2) The Public Schools Carbon-Free Assessment shall be
18 a generally standardized assessment, but may incorporate
19 flexibility to reflect the circumstances of individual
20 public schools and public school districts.

21 (3) The Public Schools Carbon-Free Assessment shall
22 include, but not be limited to, comprehensive analyses of
23 the following subjects:

24 (A) The top energy efficiency savings
25 opportunities for the public school, by energy saved;

26 (B) The total achievable solar energy potential on

1 or nearby a public school's premises and able to
2 provide power to a school;

3 (C) The infrastructure required to support
4 electrification of the facility's space heating and
5 water heating needs;

6 (D) The infrastructure requirements to support
7 electrification of a school's transportation needs;
8 and

9 (E) The investments required to achieve a WELL
10 Certification or similar certification as determined
11 through methods developed and updated by the
12 International WELL Building Institute or similar or
13 successor organizations.

14 (4) The Public Schools Carbon-Free Assessment also
15 shall include, but not be limited to, mechanical
16 insulation evaluation inspection and inspection of the
17 building envelope(s).

18 (5) With respect to those public school construction
19 projects for public schools within the service territory
20 of a utility serving over 500,000 retail customers in this
21 State and for which a public school district applies for a
22 grant under Section 5-40 of the School Construction Law on
23 or after June 1, 2023, the district must submit a copy of
24 the applicable Public Schools Carbon-Free Assessment
25 report, or, if no such Public Schools Carbon-Free
26 Assessment has been performed, request the applicable

1 utility to perform such a Public Schools Carbon-Free
2 Assessment and submit a copy of the Public Schools
3 Carbon-Free Assessment report promptly when it becomes
4 available. The Public Schools Carbon-Free Assessment
5 report shall include, but not limited to, an energy audit
6 of both the building envelope and the building's
7 mechanical insulation system. It shall also include an
8 inspection of both the building envelope and the
9 mechanical insulation system. The district must
10 demonstrate how the construction project is designed and
11 managed to achieve the goals that all public elementary
12 and secondary school facilities in the State are able to
13 be powered by clean energy by 2030, and for such
14 facilities to achieve carbon-free energy sources for space
15 heat, water heat, and transportation by 2050.

16 (5.5) Each utility must retain a copy of each Public
17 Schools Carbon-Free Assessment report.

18 (6) The results of each Public Schools Carbon-Free
19 Assessment shall be memorialized by the utility or by a
20 third party acting on behalf of the utility in a usable
21 report form and shall be provided to the applicable public
22 school. Each utility shall be required to retain a copy of
23 each Public Schools Carbon-Free Assessment report and to
24 provide confidential copies of each report to the Illinois
25 Power Agency and the Illinois Capital Development Board
26 within 3 months of its completion. The Illinois Power

1 Agency shall promptly make the results of each Public
2 Schools Carbon-Free Assessment available for public
3 inspection on its website.

4 (7) The Public Schools Carbon-Free Assessment shall be
5 conducted in coordination with each utility's energy
6 efficiency and demand-response plans under Sections 8-103,
7 8-103A, and 8-103B of this Act, to the extent applicable.
8 Nothing in this Section is intended to modify or require
9 modification of those plans. However, the utility may
10 request a modification of a plan approved by the
11 Commission, and the Commission may approve the requested
12 modification, if the modification is consistent with the
13 provisions of this Section and Section 8-103B of this Act.

14 (8) If there are no other providers of assessments
15 that are substantively the same as those being performed
16 by utilities pursuant to this Section by 2024, a utility
17 that has a Public Schools Carbon-Free Assessment program
18 may offer assessments to public schools that are not
19 served by a utility subject to this Section at the
20 utility's cost.

21 (9) The Public Schools Carbon-Free Assessment shall be
22 offered to and performed for public schools in the
23 utility's service territory on a complimentary basis by
24 each utility, with no Assessment fee charged to the public
25 schools for the Assessments. Nothing in this Section is
26 intended to prohibit the utility from recovering through

1 rates approved by the Commission the utility's prudent and
2 reasonable costs of complying with this Section.

3 (10) Utilities shall make efforts to prioritize the
4 completion of Public Schools Carbon-Free Assessments for
5 the following school districts by December 31, 2022: East
6 St. Louis School District 189, Harvey School District 152,
7 Thornton Township High School District 205. Utilities
8 shall also prioritize the completion of Public Schools
9 Carbon-Free Assessments for schools located within
10 environmental justice communities or schools that are
11 categorized as a Tier 1 or Tier 2 school based on the
12 latest annual evidence-based funding distribution process
13 by the State Board of Education.

14 (Source: P.A. 102-662, eff. 9-15-21.)

15 Section 40. The Public Utilities Act is amended by adding
16 Section 16-107.7 as follows:

17 (220 ILCS 5/16-107.7 new)

18 Sec. 16-107.7. Power price mitigation rebate.

19 (a) Illinois electric utility customers have been impacted
20 by unanticipated changes to electric power and capacity prices
21 during a period of economic hardship associated with recent
22 global events, including increasing gas prices due to the
23 Russian invasion of Ukraine and the COVID-19 pandemic. The
24 recent power and capacity procurement events affect the market

1 prices paid by customers. Accordingly, as many customers have
2 experienced increased electric utility bill impacts due to the
3 increase in electric power and capacity prices, it is the
4 policy of the State to assist qualifying customers through a
5 power price mitigation rebate for the June 2023 through
6 October 2024 electric utility billing cycle. As used in this
7 Section, "small commercial customer" means those
8 nonresidential retail customers of an electric utility
9 consuming 15,000 kilowatt-hours or less of electricity
10 annually in its service area whose service has not yet been
11 declared competitive pursuant to Section 16-113.

12 (b) Any electric utility serving adversely impacted
13 residential and small commercial customers shall notify the
14 Commission by April 15, 2023 of the same and provide the
15 results of the calculations set forth in this subsection. As
16 used in this Section, "electric utility serving adversely
17 impacted residential and small commercial customers" means any
18 electric utility that can demonstrate that the utility default
19 power supply rate procured from the Illinois Power Agency and
20 available to its residential and small commercial customers
21 has experienced, or will experience, a more than 90%
22 year-over-year total supply charge increase, as calculated by
23 comparing the total supply charge effective on June 1, 2021,
24 as reported by the electric utility to the Commission pursuant
25 to subsection (i) of Section 16-111.5, and the total supply
26 charge effective on June 1, 2022, as reported to the

1 Commission pursuant to subsection (i) of Section 16-111.5. The
2 total supply charge effective on June 1, 2021, and June 1,
3 2022, respectively, as reported pursuant to subsection (i) of
4 Section 16-111.5, shall be used to calculate an electric
5 utility's qualification under this Section and no other
6 adjustments shall be made for purposes of the calculation,
7 including, but not limited to, any transmission costs,
8 purchased electricity adjustments, or any other credits. Any
9 small multijurisdictional electric utility that relies upon
10 company-owned generation resources, including fossil fueled
11 generation, to supply the majority of its eligible State
12 retail customers' energy and capacity needs shall be
13 ineligible to file a notice or receive funding for rebate
14 credits pursuant to this Section. The Commission shall have 5
15 days from the date of receipt of the utility's notice to review
16 the calculations and notify the electric utility as to whether
17 it qualifies as an electric utility serving adversely impacted
18 residential and small commercial customers under this Section.

19 (c) Any electric utility that provides notice to the
20 Commission of qualification under subsection (b) shall
21 concurrently file a tariff with the Commission that provides
22 for a monthly rebate credit to be given to all residential and
23 small commercial customers, beginning as soon as is
24 practicable following the effective date of this amendatory
25 Act of the 102nd General Assembly. The tariff shall provide
26 that the total funds appropriated by the Department of

1 Commerce and Economic Opportunity shall be divided equally and
2 issued to all of its active residential and small commercial
3 customers, including customers that take supply service from
4 alternative retail suppliers or real-time pricing tariffs. The
5 tariff shall further provide that the monthly rebate credit
6 will be reflected on, and applied to, customer bills beginning
7 at the start of a monthly billing period and continue through
8 the May 2023 billing period in a manner compliant with
9 subsections (d) and (e). The tariff shall also provide that
10 the utility may apply the monthly rebate credit to up to 5
11 monthly billing periods ending in October 2023, and the
12 utility may aggregate monthly rebate credits. To the extent a
13 rebate credit is greater than a customer's bill in a given
14 month, the excess rebate credit amount shall apply to the next
15 billing period, even if the billing period is after October
16 2023, until the customer's rebate credit has been fully
17 applied.

18 (d) The Commission shall have 5 days from the date an
19 electric utility files the tariff pursuant to subsection (c)
20 to review the tariff for compliance with this Section, and,
21 subject to appropriation to the Department of Commerce and
22 Economic Opportunity for purposes of the power price
23 mitigation, the tariff shall go into effect no later than 7
24 days from the original tariff filing date or one day from the
25 date of any compliance filing, whichever is later. Upon the
26 tariff becoming effective, the Commission shall notify the

1 Department of Commerce and Economic Opportunity of any
2 electric utility serving adversely impacted residential and
3 small commercial customers with an approved tariff that is
4 eligible to receive funds to be used to pay for the monthly
5 rebate credits issued pursuant to this Section. Upon receipt
6 of notice from the Commission, the Department of Commerce and
7 Economic Opportunity shall transfer \$200,000,000 to the
8 eligible electric utility serving adversely impacted
9 residential and small commercial customers.

10 (e) Each electric utility providing a monthly rebate
11 credit to its customers pursuant to subsection (c) shall
12 include at least the following statement as part of a bill
13 insert or bill message provided with any bill reflecting a
14 monthly rebate credit to customers: "Your bill has been
15 reduced this month by the Power Price Mitigation Rebate Act
16 passed by the Illinois General Assembly." The amount of the
17 monthly rebate credit being applied for the billing period
18 shall also be reflected on the customer's bill with the
19 description "State Funded Power Price Mitigation Credit". The
20 electric utility's obligation to reflect the information
21 required by this subsection shall not extend past the October
22 2023 billing period.

23 (f) An electric utility with a tariff approved pursuant to
24 subsection (c) shall be entitled to recover the reasonable and
25 prudent expenses incurred to comply with this Section and
26 shall have an obligation to provide monthly rebate credits to

1 customers only to the extent there are funds available to the
2 utility to provide the monthly rebate credits, as funded by
3 the Department of Commerce and Economic Opportunity and
4 subject to appropriation to the Department. Within 180 days
5 from the date on which all allocated funds have been
6 transferred to and applied by the electric utility, the
7 electric utility shall notify the Commission and provide an
8 accounting for all funds applied as a monthly rebate credit to
9 its residential and small commercial customers. The electric
10 utility shall take reasonable steps to apply all allocated
11 funds it receives as monthly rebate credits. If any funds
12 remain after the October 2023 billing period that have not
13 been applied to residential or small commercial customers, the
14 electric utility shall return such unapplied amounts to the
15 Department of Commerce and Economic Opportunity by March 30,
16 2024. If the electric utility provides rebate credits to
17 customers that exceed the available funds, the electric
18 utility shall account for such amounts and the utility shall
19 recover those amounts not to exceed 2% of the total available
20 funds made available for the rebate credits as part of its next
21 base rates increase pursuant to Article XVI or Article IX.

22 (g) This Section, except for this subsection and
23 subsection (f), is inoperative on and after January 1, 2025.

24 (h) This Section may be referred to as the Power Price
25 Mitigation Rebate Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".